

REMARKS

I. Introduction

With the cancellation herein without prejudice of claims 33 and 65, claims 1 to 4, 6 to 8, 10 to 32, 34, 36 to 58, 60 to 64, and 66 to 82 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 29 to 32, 36 to 58, 60 to 64 and 67 to 82 Under 35 U.S.C. § 103(a)

Claims 29 to 32, 36 to 58, 60 to 64 and 67 to 82 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of PCT International Patent Publication No. WO93/15648 ("Wilk et al.") and U.S. Patent No. Re. 36,434 ("Hamlin et al."). It is respectfully submitted that the combination of Wilk et al. and Hamlin et al. does not render unpatentable these claims for at least the following reasons.

Although Applicant does not necessarily agree with the merits of the present rejection, claims 29 and 56 have been amended herein without prejudice to replace the recitations of "light source" with --light-emitting diode--. Thus, each of claims 29 and 56 recites that **a light-emitting diode is mounted at the distal end of the shaft and fluid-tightly sealed from the environment by the shaft**. Support for these amendments may be found, for example, at claims 33 and 65, which have been canceled herein without prejudice. Claims 34, 36, 38, 63, 64, 66, and 67 have amended herein without prejudice to accord with amended claims 29 and 56.

The Office Action dated July 16, 2007 admits at page 5 that "Wilk et al. in view of Hamlin et al. . . . fails to specify the nature of the light source." Indeed, the combination of Wilk et al. and Hamlin fails to disclose or suggest a light emitting diode, much less **a light-emitting diode is mounted at the distal end of the shaft and fluid-tightly sealed from the environment by the shaft**.

As indicated above, the combination of Wilk et al. and Hamlin et al. does not disclose or suggest all of the features recited in either of claims 29 and 56. As such, it is respectfully submitted that the combination of Wilk et al. and Hamlin et al. does not render unpatentable either of claims 29 and 56 or any claim that depends from either of claims 29 and 56.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1 to 4, 6 to 8, 10 to 28, 33, 34, 65, and 66 Under 35 U.S.C. § 103(a)

Claims 1 to 4, 6 to 8, 10 to 28, 33, 34, 65, and 66 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Wilk et al., Hamlin et al., and U.S. Patent No. 4,884,113 ("Kanno et al."). It is respectfully submitted that the combination of Wilk et al., Hamlin et al., and Kanno et al. does not render unpatentable these claims for at least the following reasons.

As an initial matter, claims 33 and 65 have been canceled herein without prejudice, thereby rendering moot the present rejection with regard to claims 33 and 65.

Claim 1, from which claims 2 to 4, 6 to 8, and 10 to 28 ultimately depend, has been amended herein without prejudice to replace all recitations of "light source" with --light-emitting diode--. Thus, claim 1 recites that **a light-emitting diode is mounted at the distal end of the shaft and fluid-tightly sealed from the environment by the shaft**. Claims 34 and 66 respectively depend from claims 29 and 56, which, as indicated above, also recite that a light-emitting diode is mounted at the distal end of the shaft and fluid-tightly sealed from the environment by the shaft.

It is respectfully submitted that none of the cited references -- taken alone or in combination -- discloses or suggests a light-emitting diode that is mounted at the distal end of a shaft and fluid-tightly sealed from the environment by the shaft.

The Final Office Action suggests at paragraph 3 that it would be obvious to use a light-emitting diode in the device of Wilk et al. However, neither the light source illustrated in Figure 1 nor the light source 160 illustrated in Figure 7, if replaced by a light-emitting diode, would be **mounted at the distal end of a shaft and fluid-tightly sealed from the environment by the shaft**. Further, regarding the Final Office Action's suggestion to replace the optical fiber of Wilk et al. with a light-emitting diode, it is unclear why or how one of ordinary skill in the art would replace an optical fiber that is attached to a light source with a light-emitting diode, as opposed to replacing the light sources 34 and/or 160 with a light-emitting diode.

As indicated above, the combination of Wilk et al., Hamlin et al., and Kanno et al. does not disclose or suggest all of the features recited in any of claims 1 to 4, 6 to 8, 10 to 28, 34, and 66. As such, it is respectfully submitted that the combination of Wilk et al., Hamlin et al., and Kanno et al. does not render unpatentable any of these claims.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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